

**Translation**

**PATENT COOPERATION TREATY**

**PCT**

**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference ST42116-js	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP03/11285	International filing date ( <i>day/month/year</i> ) 11.10.2003	Priority date ( <i>day/month/year</i> ) 30.09.2003
International Patent Classification (IPC) or national classification and IPC INV. C09C1/40		
Applicant KRONOSPAN TECHNICAL COMPANY LIMITED et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>9</u> sheets, including this cover sheet.  <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  These annexes consist of a total of _____ sheets.
3. This report contains indications relating to the following items:  I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input checked="" type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input checked="" type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input checked="" type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 08.03.2005	Date of completion of this report 02.06.2006
Name and mailing address of the IPEA/EP  Facsimile No.	Authorized officer  Telephone No.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCI/EP03/11285

## I. Basis of the report

## 1. With regard to the elements of the international application:\*

- ☒ the international application as originally filed
- ☒ the description:  
pages 1-8, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, as amended (together with any statement under Article 19  
pages \_\_\_\_\_, filed with the demand  
pages 1-13, filed with the letter of 03-04-2005
- ☒ the drawings:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
pages 1, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. 1-15
- ☐ the drawings, sheets/fig \_\_\_\_\_

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

**III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application.

☒ claims Nos. **10-13**

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

**10-13**

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☒ no international search report has been established for the said claims Nos.

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

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IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☒ restricted the claims.
- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☐ neither restricted nor paid additional fees.

2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
- ☒ not complied with for the following reasons:

See the supplemental sheet.

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☒ all parts.
- ☐ the parts relating to claims Nos. \_\_\_\_\_

**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**International application No.  
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(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: **BOXES I AND IV****BOX I****New claims**

The amendments submitted to the International Bureau do not introduce substantive matter which goes beyond the original disclosure in the international application as filed, and thereby do not contravene PCT Article 19(2).

**Box IV: Lack of unity of invention**

The International Examining Authority has determined that this international application contains multiple (groups of) inventions that are not linked by a single general inventive concept (PCT Rule 13.1), as follows:

I: Claims 1-9: Coated paper with abrasion-resistant surface and method for producing this paper. This invention solves the technical problem of producing an abrasion-resistant decorative paper using abrasion-resistant particles coated with a bonding agent.

II: Claim 13: Device for coating a paper as per claims 1-8. This invention solves the technical problem of providing a device which enables surfaces to be uniformly coated with powdery substances.

**Lack of unity a priori**

The device according to invention II is not linked to the use of paper containing abrasion-resistant particles coated with bonding agents. Invention II is therefore not

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**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: **BOXES I AND IV**

linked to invention I by a single general inventive concept. The required unity of invention (PCT Rule 13.1) is therefore no longer established, since there is no technical relationship between the subjects of the groups of claims 1-12 and 13 within the meaning of PCT Rule 13.2 involving one or more of the same or corresponding special technical features.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

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PCT/EP 03/11285**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

## 1. Statement

Novelty (N)	Claims	1-9	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-9	NO
Industrial applicability (IA)	Claims	1-9	YES
	Claims		NO

## 2. Citations and explanations

This report refers to the following documents:

D1: US-B1-6 290 815 (CAULET PIERRE ET AL), 18 September 2001 (2001-09-18)

D2: EP-A-0 255 079 (QUARZWERKE GMBH), 3 February 1988 (1988-02-03)

Claim 1

Document D1 is regarded as the prior art closest to the subject matter of claim 1. It discloses a paper with an abrasion-resistant surface obtained by impregnating the paper with a resin, sprinkling abrasion-resistant particles on the paper and curing the resin (examples and claims 19-27 of D1).

The subject matter of claim 1 differs from the known D1 in that the abrasion-resistant particles are coated with a bonding agent.

The subject matter of claim 1 is therefore novel (PCT Article 33(2)).

The present invention can therefore be considered to

address the problem of using abrasion-resistant particles with improved adherence.

The solution to this problem, as proposed in claim 1 of the present application, does not involve an inventive step (PCT Article 33(3)) because document D2 discloses abrasion-resistant particles coated with a bonding agent. A person skilled in the art would consider it a conventional procedure to use the particles described in document D2 in the paper described in document D1.

Claim 9

The same reasoning accordingly applies to independent claim 9. Consequently, the subject matter of claim 9 does not involve an inventive step (PCT Article 33(3)).

Dependent claims 2-8 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT novelty and inventive step requirements.



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## VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

Contrary to PCT Rule 5.1(a)(ii), the description does not cite documents D1 and D2 or indicate the relevant prior art disclosed therein.